

BILL NO. G-72-02-08

GENERAL ORDINANCE NO. G-~~72-02-08~~ G-04-72

AN ORDINANCE pertaining to the construction of establishments for the sale of gasoline and/or diesel fuel.

WHEREAS, many establishments have been built in the City of Fort Wayne where gasoline and/or diesel fuels, among other products, are sold to motorists and where gasoline and/or diesel fuel is transferred from pumps into the fuel tanks of cars, trucks and/or other vehicles; and

WHEREAS, the owners of many such establishments have abandoned them in the sense that the owners have discontinued their use for the purpose of selling gasoline and/or diesel fuel to motorists or for any other purpose; and

WHEREAS, there are such establishments, abandoned in the sense aforesaid, in every councilmanic district in the City of Fort Wayne; and

WHEREAS, the proximity of such establishments, abandoned in the sense aforesaid, is detrimental to property values; and

WHEREAS, there are in operation in the City of Fort Wayne a great number of establishments where gasoline and/or diesel fuel are sold to motorists and where gasoline and/or diesel fuel is transferred from pumps into the fuel tanks of cars, trucks and/or other vehicles.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

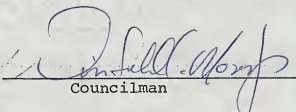
SECTION 1. That for ^{Six months.} ~~one year~~ from and after the effective date of this Ordinance no building permits will be issued for the construction of establishments where gasoline and/or diesel fuel are sold to motorists and where gasoline and/or diesel fuel is transferred from pumps into the fuel tanks of cars, trucks and/or other vehicles.

SECTION 2. The Board of Works of the City of Fort Wayne and the City Plan Commission of the City of Fort Wayne shall prepare a study of the ~~of the~~ conditions and criteria

which shall govern the issuance of building permits for the construction from and after the expiration of the ban on the issuance of such permits provided in Section 1 of this Ordinance. In making such study the Board of Public Works shall determine those conditions and criteria which would tend to encourage the utilization of sites where such establishments have been constructed and abandoned in the sense that the owners have discontinued their use for the purpose of selling gasoline and/or diesel fuel to motorists or for any other purpose.

SECTION 3. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any court, it shall be conclusively presumed that this Ordinance would have been passed by the common council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.


Councilman

APPROVED AS TO FORM
AND LEGALITY


CITY ATTORNEY

Read the first time in full and on motion by Kraus seconded by Steir and duly adopted, read the second time by title and referred to the Committee on Regulating Public Works (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____ the _____ day of _____ 1972, at _____ o'clock _____ P.M., E.S.T.

Date: 2-8-72

Charles W. Westernman
CITY CLERK

Read the third time in full and on motion by Moses seconded by KRAUS and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

	AYES <u>7</u>	NAYS <u>2</u>	ABSTAINED _____	ABSENT _____ to-wit:
Burns	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hinga	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kraus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nuckols	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Moses	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schmidt, D.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schmidt, V.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Steir	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Talarico	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date 3-14-72

Charles W. Westernman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(Zoning Map)~~ (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 8-04-72 on the 22nd day of February, 1972.

ATTEST: (SEAL)

Charles W. Westernman
CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of March, 1972 at the hour of 10:30 o'clock A.M., E.S.T.

Charles W. Westernman
CITY CLERK

Approved and signed by me this 15th day of March, 1972, at the hour of 4:00 o'clock P.M., E.S.T.

David A. Schwab
MAYOR

Filed 2-22/72
2/22/72
Bill No. G-72-02-08

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance
pertaining to the construction of establishments for the sale of gasoline
and/or diesel fuel.

COMMITTEE ACTION

Bill No. G-72-02-08 as amended in Committee
on March 14, 1972 at 7:00 P.M., as per attached
bill was voted out of Committee and placed on
its passage,

long
have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

WINFIELD C. MOSES, JR., Chairman

WILLIAM T. HINGA, Vice-Chairman

SAMUEL J. TALARICO

EUGENE KRAUS, JR.

DONALD J. SCHMIDT

W. C. Moses Jr.
William T. Hinga
Samuel J. Talarico
Eugene Kraus Jr.

Amended

GENERAL ORDINANCE NO. G-_____

AN ORDINANCE pertaining to the construction of establishments for the sale of gasoline and/or diesel fuel.

WHEREAS, many establishments have been built in the City of Fort Wayne where gasoline and/or diesel fuels, among other products, are sold to motorists and where gasoline and/or diesel fuel is transferred from pumps into the fuel tanks of cars, trucks and/or other vehicles; and

WHEREAS, the owners of many such establishments have abandoned them in the sense that the owners have discontinued their use for the purpose of selling gasoline and/or diesel fuel to motorists or for any other purpose; and

WHEREAS, there are such establishments, abandoned in the sense aforesaid, in every councilmanic district in the City of Fort Wayne; and

WHEREAS, the proximity of such establishments, abandoned in the sense aforesaid, is detrimental to property values; and

WHEREAS, there are in operation in the City of Fort Wayne a great number of establishments where gasoline and/or diesel fuel is transferred from pumps into the fuel tanks of cars, trucks and/or other vehicles.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That for six months from and after the effective date of this Ordinance no building permits will be issued for the construction of establishments where gasoline and/or diesel fuel are sold to motorists and where gasoline and/or diesel fuel is transferred from pumps into the fuel tanks of cars, trucks and/or other vehicles.

SECTION 2. The Board of Works of the City of Fort Wayne and the City Plan Commission of the City of Fort Wayne shall prepare a study of the conditions and criteria which shall govern the issuance of building permits for the construction from and after the expiration of the ban on the issuance of such permits provided in Section 1 of this Ordinance. In making such study the Board of Public Works shall determine those conditions and criteria which would tend to encourage the utilization of sites where such establishments have been constructed and abandoned in the sense that the owners have discontinued their use for the purpose of selling gasoline and/or diesel fuel to motorists or for any other purpose.

SECTION 3. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any court, it shall be conclusively presumed that this Ordinance would have been passed by the common council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage approval by the Mayor.